

## **OFFICE OF EXECUTIVE POLICY AND PROGRAMS WORKERS' COMPENSATION POLICY AND PROCEDURE**

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

### **I. Statement**

In the event of an accidental injury arising out of and in the course of employment with the State, which is covered under Workers' Compensation, a disabled employee shall make an election to receive compensation under one of the following methods:

- A.  
To be placed in a paid leave status using accrued sick and/or annual leave. When such leave credits are exhausted before the employee can return to work, the employee shall be entitled to Workers' Compensation disability benefits at the time the specified amount of leave is exhausted.
- B.  
To use Workers' Compensation benefits. The employee would receive the disability benefits equal to 66 2/3 % of the employee's gross weekly pay, not to exceed the established maximum rate.
- C.  
To receive sick and/or annual leave on a prorated basis in conjunction with Workers' Compensation according to the formula approved by the Budget and Control Board.

Before the election is made, the effect of each available option on the employee's future leave must be explained to the employee by the employer. The election must be in writing and signed by the employee and the person who explains the options. The election of the employee is irrevocable as to each individual incident. Regardless of which method of disability compensation an employee elects, he or she would continue to be eligible for payment of medical costs provided by Workers' Compensation. Leave taken under Workers' Compensation may qualify as Family and Medical Leave Act, and, if so, will run concurrently.

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